

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
SEPTEMBER 12, 2016
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor La Monte called the meeting to order at 6:35 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Lou La Monte; Mayor Pro Tem Skylar Peak; and Councilmembers Joan House, Laura Rosenthal and John Sibert

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Heather Glaser, City Clerk; Craig George, Environmental Sustainability Director; Bonnie Blue, Planning Director; Bob Brager, Public Works Director; Andrew Sheldon, Environmental Sustainability Manager; Jennifer Brown, Senior Environmental Programs Coordinator; Amy Crittenden, Recreation Manager; Kristin Riesgo, Recreation Manager; and Adrian Fernandez, Senior Planner

PLEDGE OF ALLEGIANCE

Billie McGinley, Kate McGinley, and Uma Friesen led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember House moved and Mayor Pro Tem Peak seconded a motion to approve the agenda, hearing a comment from Brian Strange before the rest of the agenda.

Brian Strange stated he and his family would donate \$1,000,000 in matching funds to the City for a skate park to be built in memory of his son, Johnny Strange.

The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on September 1, 2016, with the amended agenda posted on September 7, 2016.

PUBLIC COMMENT ON CLOSED SESSION

None.

The following items were listed on the Closed Session agenda:

Conference with Legal Counsel – Anticipated litigation pursuant to Government Code Section 54956.9(d)(2):

1. Number of Cases: 1
Communication from Rick Zeilenga on behalf of Richard and Shawn Sperber requesting a tolling agreement in lieu of filing a lawsuit challenging the City's stop work orders for the property at 6847 Wildlife Road

Conference with Legal Counsel – Initiation of litigation pursuant to Government Code Section 54956.9(d)(4):

2. Conference with Legal Counsel – Initiation of litigation pursuant to Government Code Section 54956.9(d)(4)
Number of cases: 1

CLOSED SESSION REPORT

City Attorney Hogin reported that the Regular meeting convened at 6:00 p.m. at which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54956.9(d)(2) and 54956.9(d)(4) with all Councilmembers present. She stated the Council discussed the items listed on the Closed Session agenda and took no reportable action, but noted that the Council had unanimously declined to enter into a tolling agreement for the property at 6847 Wildlife Road.

ITEM 1 CEREMONIAL/PRESENTATIONS

- A. Presentation of City Tile to Miriam Woodrow, Human Resources Manager, for Seven Years of Service to the City

Mayor La Monte presented the tile to Human Resources Manager Woodrow.

- B. Los Angeles County Sheriff's Department Beach Team Commendations

Mayor La Monte presented commendations to the following members of the Sheriff's Departments' 2016 Summer Enforcement Team:

Lieutenant Jim Royal
Sergeant Jim Braden
Deputy Mike Treinen
Deputy Joanna Krase

Deputy Heather Parks
Deputy Jim Arens
Deputy Casey McKay
Deputy Angelica Curiel
Deputy Steve Arens
Deputy Mitch Bowen
Deputy Octavio Ramirez
Deputy Dave Clay
Deputy Joe Telles
Community Services Assistant Tuyet Alcala
Community Services Assistant Bridget Camarillo

C. Proclamation Declaring September 15, 2016 as “Imagine a Day Without Water”

Mayor La Monte presented the proclamation to Paul Maselbas, Principal Engineer/Assistant Division Head, Los Angeles County Waterworks District 29.

D. Proclamation Declaring September 19 to September 23, 2016 as Septic Smart Week

Mayor La Monte presented the proclamation to Wastewater Program Management Analyst Dickson, as well as a certificate of recognition in honor of his retirement from the City on September 15, 2016.

Wastewater Program Management Analyst Dickson thanked the Council and staff.

ITEM 2.A. PUBLIC COMMENTS

John Mazza discussed the need for an ordinance to handle how art is displayed in the City. He expressed concern for the deadline to take down the Big Clay sculpture.

Richard Robertson requested an update on the gate next to his home.

Joseph discussed his home.

Anne Payne stated she missed Johnny Strange. She expressed concern for trucks unloading at Cross Creek Road and Civic Center Way.

Nancy McGinley discussed bins from Waste Management dedicated to cardboard waste.

Norm Haynie thanked Wastewater Program Management Analyst Dickson for his 10 years of service to the City.

ITEM 2.B. COMMISSION / COMMITTEE / CITY MANAGER UPDATES

City Manager Feldman announced the appointment of Heather Glaser as City Clerk. She commended the Los Angeles County Sheriff's Department Beach Team for their hard work. She thanked and congratulated Wastewater Program Management Analyst Dickson and Human Resources Manager Woodrow. She addressed the gate on Malibu Road, stating the Mountains Recreation and Conservation Authority (MRCA) had changed the locking mechanism and the lock time to 7:00 p.m. She stated she was working with MRCA on increasing the height of the gate and had requested the Sheriff's Deputies increase their patrols of the area.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Rosenthal thanked and congratulated Wastewater Program Management Analyst Dickson and Human Resources Manager Woodrow. In response to Councilmember Rosenthal, City Manager Feldman stated she would return with specific information on the laws governing trucks unloading at Cross Creek Road and Civic Center Way. Councilmember Rosenthal stated she attended a Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) meeting, the opening of the campaign office for Henry Stern, and a Governance Leadership Panel. She stated she was at the Advocates for Malibu Public Schools (AMPS) booth at the Chili Cook-Off event, attended a Malibu Unification Negotiations Committee meeting, and the annual SurfAid Cup event. She announced the Nautica Malibu Triathlon beginning on September 17, 2016, the next Library Speaker Series event on September 21, 2016, Waterworks District 29 meetings on September 14 and September 21, 2016, bulky item pickup at City Hall on September 24, 2016, and West Basin Municipal Water District and Waterworks District 29 events and rain barrel giveaways at City Hall on October 1, 2016. She requested an update from the Environmental Sustainability Department at the next Council meeting regarding bins from Waste Management that are dedicated to cardboard waste.

Councilmember House thanked and congratulated Wastewater Program Management Analyst Dickson and Human Resources Manager Woodrow. She stated she supported contacting Waste Management regarding bins dedicated to cardboard waste. She stated she attended a Library Subcommittee meeting and an Administration and Finance Subcommittee meeting.

Councilmember Sibert thanked and congratulated Wastewater Program Management Analyst Dickson and Human Resources Manager Woodrow. He stated the City needed a strategic plan. He announced a Las Virgenes-Malibu Council of Governments meeting on September 20, 2016, with emphasis on the Los Angeles County Stormwater Project.

Mayor Pro Tem Peak thanked and congratulated Wastewater Program Management Analyst Dickson and Human Resources Manager Woodrow. He stated he attended a ZORACES meeting, the Chili Cook-Off event, the annual SurfAid Cup event, the Ride to the Flags event, a Malibu Film Society event at the Adamson House, and met with Rhode Island Senator Sheldon Whitehouse and the Democratic Senatorial Campaign Committee. He indicated support for renegotiating the Waste Management contract in order to provide bins dedicated to cardboard waste and food waste. He thanked the Los Angeles County Sheriff's Department Beach Team.

Councilmember Rosenthal announced construction and temporary lane closures through October 2016 on Pacific Coast Highway at Big Rock.

Mayor La Monte congratulated Human Resources Manager Woodrow. He stated he attended the memorial service for former Parks and Recreation Director Bob Stallings, a meeting of the California Contract Cities Association (CCCA) and the Independent Cities Association regarding a joint legislative agenda, and the re-opening of the California Incline. He stated he attended the Chili Cook-Off event, and he thanked everyone involved. He stated he attended a CCCA Executive Board meeting regarding the liability trust fund, and the CCCA Fall Seminar.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.10. was pulled by the public.

MOTION Councilmember Rosenthal moved and Councilmember Sibert seconded a motion to approve the Consent Calendar, with the exception of Item No. 3.B.10. The motion carried unanimously.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items
 - 1. Second Reading and Adoption of Ordinance No. 409
Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 409 determining the project is categorically exempt from the California Environmental Quality Act and amending Malibu Municipal Code Chapter 5.34 (Special Events).
- B. New Items
 - 1. Waive Further Reading
Recommended Action: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.
 - 2. Approve Warrants
Recommended Action: Allow and approve warrant demand numbers 48304-48452 listed on the register from the General Fund and direct the

City Manager to pay out the funds to each of the claimants listed in Warrant Register No. 579 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,396,980.38. City of Malibu payroll check numbers 4692-4696 and ACH deposits were issued in the amount of \$159,179.67.

3. Approval of Minutes

Recommended Action: Approve the minutes for the August 8, 2016 Regular City Council meeting.

4. City's Conflict of Interest Code

Recommended Action: Adopt Resolution No. 16-39 adopting the City's Conflict of Interest Code and repealing Resolution No. 15-15.

5. Professional Services Agreement with Kimley-Horn and Associates, Inc.

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. in an amount not to exceed \$494,840 for engineering design services for the design of the Civic Center Way Improvements Project.

6. Amendments to Agreements for Biological Consulting Services

Recommended Action: 1) Authorize the City Manager to execute Amendment No. 1 to Agreement with Compliance Biology, Inc. to provide biological consulting services; and 2) Authorize the City Manager to execute Amendment No. 1 to Agreement with Rincon Consultants, Inc. to provide biological consulting services.

7. Amendment to Agreement with Fugro Consultants, Inc. to Provide Professional Consulting Geology Services

Recommended Action: Authorize the City Manager to execute Amendment No. 1 to Agreement with Fugro Consultants, Inc. to update the Scope of Work and Cost Schedule, and to allow for a two-year extension of the existing agreement through June 30, 2018.

8. Federal Surface Transportation Program – Local Funds Exchange

Recommended Action: Authorize the City Manager to execute the Exchange Agreement and Assignment of Federal Surface Transportation Program - Local Funds (Agreement).

9. Assignment of Agreement to BrightView Landscape Services

Recommended Action: Authorize the City Manager to execute an Assignment of Agreement with ValleyCrest Landscape Maintenance, transferring its interest in the Agreement to BrightView Landscape Services.

The following item was pulled for individual consideration:

10. Authorize Easement Agreement Contingent on Transfer of 2.3 Acres and Payment of \$500,000 in Accordance with La Paz Development Agreement

Recommended Action: Adopt Resolution No. 16-41 approving an Easement Agreement, conditioned on grant to the City of 2.3 acre Parcel C located at 3700 La Paz Lane and payment of \$500,000 to the City pursuant

to Development Agreement dated November 8, 2008, and finding the project exempt from the California Environmental Quality Act. Jonathan Kaye indicated support for reevaluating the development agreement.

City Attorney Hogin presented the staff report.

In response to Mayor La Monte, City Attorney Hogin stated a full environmental impact review had already been done.

In response to Councilmember Rosenthal, City Attorney Hogin stated the property was owed to the City before permits would be issued for a project.

MOTION

Councilmember House moved and Councilmember Rosenthal seconded a motion to adopt Resolution No. 16-41 approving an Easement Agreement, conditioned on grant to the City of 2.3 acre Parcel C located at 3700 La Paz Lane and payment of \$500,000 to the City pursuant to Development Agreement dated November 8, 2008, and finding the project exempt from the California Environmental Quality Act. The motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Local Coastal Program Amendment Nos. 09-006 and 10-003 – Correction of Placement of the Parkland and Trails Dedication Incentive Program Map within the Local Coastal Program

Recommended Action: 1) Adopt Resolution No. 16-40 approving a correction to Local Coastal Program Amendment (LCPA) No. 10-003 amending the Land Use Plan (LUP) to incorporate the Parkland and Trails Dedication Incentive Program Map to incorporate the California Coastal Commission's suggested modifications and determining the LCPA is statutorily exempt from the California Environmental Quality Act; 2) After the City Attorney reads the title, introduce on first reading Ordinance No. 410 approving a correction to LCPA No. 09-006 amending Local Implementation Plan (LIP) to remove the Parkland and Trails Dedication Incentive Program Map to incorporate the California Coastal Commission's suggested modifications; and 3) Direct staff to schedule second reading and adoption of Ordinance No. 410 for the September 26, 2016 Regular City Council meeting.

Planning Director Blue presented the staff report and supplemental staff report.

In response Councilmember Rosenthal, Planning Director Blue explained that allowing the amendment to lapse would leave the Escondido Connector Trail where it already was in the LCP, and the Council had already removed the

Haunted House Trail, a segment of the Delaplane Trail, and Escondido Connector Trail from the General Plan.

City Attorney Hogin clarified the trail incentive program.

In response to Councilmember Rosenthal, Planning Director Blue stated there was an option in the incentive program to create a trail where there was not an existing alignment, but it required the applicant prove usefulness and eventual connection.

In response to Councilmember Rosenthal, City Attorney Hogin stated a trails incentive program was not required by the California Coastal Commission (CCC) but was consistent with the City's General Plan.

Lance Anderson deferred his time to Rick Mullen.

Kevin Cozen deferred his time to Rick Mullen.

Chris deferred his time to Rick Mullen.

Carolynn Colin deferred her time to Rick Mullen.

Jonathan Kaye deferred his time to Rick Mullen.

Rick Mullen discussed removal of the trails prior to the submission to the CCC. He stated there was no need for a trail in Ramirez Canyon and that the road was not public. He indicated opposition to an incentive program and stated it would not benefit the community.

Lottee Cherin deferred her time to Elizabeth Stephens.

Terryl Ann Hodge deferred her time to Elizabeth Stephens.

Marissa Coughlan deferred her time to Elizabeth Stephens.

Elizabeth Stephens stated a trails incentive program was not required, only served developers and was unfair to residents. She stated Via Escondido was a private easement for road purposes.

Kathleen Doyle deferred his time to Craig Gold.

Carol Cullen deferred her time to Craig Gold.

Craig Gold indicated opposition to the trails incentive program.

Wendy Davis deferred her time to Ken Kearsley.

Preston Cook deferred his time to Ken Kearsley.

Clarice C. Fox deferred her time to Ken Kearsley.
Larry Morrison deferred his time to Ken Kearsley.

Jefferson Wagner deferred his time to Ken Kearsley.

Ken Kearsley stated the residents of Ramirez Canyon and Sycamore Park were opposed to the trails incentive program.

Cheryl Calvert deferred her time to Howard Rudzki.

Neel Muller deferred his time to Howard Rudzki.

Howard Rudzki stated the trails should be removed entirely.

Lauren Falliersa deferred her time to Nino Posella.

Linda Thompson deferred her time to Nino Posella.

Nino Posella indicated opposition to the trails incentive program.

Hal Dale indicated opposition to the Haunted House Trail.

Rey Cano deferred his time to Dale Schafer.

Dale Schafer indicated opposition to the Haunted House Trail.

Brittany Stephens indicated opposition to the trails incentive program.

Craig Cullen declined to speak.

Madeleine Ayvazian declined to speak.

Liz Robinson declined to speak.

Virginia Muller declined to speak.

Stan Cook declined to speak.

Gene Zilinskas declined to speak.

Beatrix Zilinskas declined to speak.

Dagmar Zilinskas declined to speak.

Joyce Ball declined to speak.

Marc Larocqur declined to speak.

Bryan Strange declined to speak.

In response to Councilmember Rosenthal, Planning Director Blue clarified that variances were not only granted in exchange for trail dedication. Councilmember Rosenthal discussed the use of trails through the years and how those uses had changed.

Councilmember Sibert indicated opposition to the trails incentive program. He stated MRCA and Santa Monica Mountains Recreation Conservancy (SMMC) were not friends of Malibu.

Councilmember House stated she was in favor of letting the amendment lapse.

MOTION Mayor Pro Tem Peak moved and Councilmember Rosenthal seconded a motion to: 1) decline to adopt the California Coastal Commission's suggested modifications to Local Coastal Program Amendment No. 10-003; and 2) direct staff to take necessary action to eliminate the trails incentive program.

In response to Mayor La Monte, Planning Director Blue stated the Haunted House Trail, the segment of the Delaplane Trail, and the Escondido Connector Trail had already been removed from the General Plan.

The question was called and the motion carried unanimously.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

- A. Fred Ward Photography Art Exhibit in City Hall
Recommended Action: At the recommendation of the Cultural Arts Commission: 1) Approve the installation of a photography exhibit featuring Fred Ward's historical work; and 2) Appropriate \$2,000 from the General Fund Undesignated Reserve to Account No. 100-4001-6170 (General Recreation Events).

Recreation Manager Crittenden presented the staff report.
Cultural Arts Commissioner Suzanne Zimmer stated the Commission was honored to be involved in bringing the photography of Mr. Ward to exhibit at City Hall.

MOTION Councilmember Rosenthal moved and Mayor La Monte seconded a motion to: 1) approve the installation of a photography exhibit featuring Fred Ward's historical work; and 2) appropriate \$2,000 from the General Fund Undesignated Reserve to Account No. 100-4001-6170 (General Recreation Events).

Mayor Pro Tem Peak stated a full-time person should be hired to handle the events of the Cultural Arts Commission.

In response to Councilmember House, Recreation Manager Crittenden stated the Cultural Arts Commission was working on a two-year calendar of events and budget.

City Manager Feldman stated a certain amount of down time between installations was unavoidable. She stated the Cultural Arts Commission would present a schedule and budget for future events to include in the City's annual budget.

The motion carried unanimously.

ITEM 7 COUNCIL ITEMS

- A. Appointment to the Public Safety Commission
Recommended Action: Councilmember House to make her appointment to the Public Safety Commission.

Councilmember House appointed Arnold Bernstein to the Public Safety Commission.

- B. Potential Uses for Trancas Field (Mayor Pro Tem Peak)
Recommended Action: At the request of Mayor Pro Tem Peak, 1) Discuss the potential uses for Trancas Field, including the development of a skate park; 2) Discuss the opportunity to receive a donation for the Johnny Strange Memorial Skate Park; and 3) Provide direction to staff.

Mayor Pro Tem Peak discussed the item and his desire for the project to start within a year, to establish a blue ribbon committee, and have the Parks and Recreation Commission explore the cost and needs for a facility.

Jonathan Kaye indicated support for a skate park and the addition of a bike park.

Carl Randall discussed the importance of community outreach.

Councilmember House stressed the importance of outreach regarding Trancas Field. She indicated the need for a Council policy regarding gifts and naming rights.

City Attorney Hogin summarized what she heard Mayor Pro Tem Peak desired, which were: 1) have staff develop a fundraising plan to raise the matching funds, which could include a gift naming policy; 2) engage the Parks and Recreation Commission on Trancas Field uses overall; and 3) set aside a part of Trancas Field for a skate/cyclist park and put together a blue ribbon committee on how it could become a reality.

Mayor Pro Tem Peak discussed approaching neighboring residents of Trancas Field to see what would work for them.

Councilmember Rosenthal stated other areas or parks should also be considered for a skate park.

Mayor Pro Tem Peak stated the Strange family was highly interested in a project beginning within one year from October 1, 2016.

Councilmember Rosenthal discussed considering other options in order to meet the Strange family's desired timeframe and ensure proper community outreach for Trancas Field.

Councilmember Sibert stated retaining the best spot for a skate park was the most important factor to consider along with community outreach.

Mayor La Monte indicated support for fundraising and a matching funds plan and getting input from the community.

Councilmember Sibert stated a policy on gift naming should be looked at by the next City Council.

Councilmember Rosenthal discussed the Park Needs Assessment.

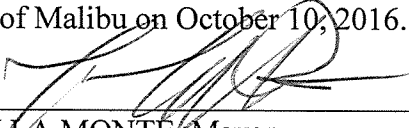
CONSENSUS

By consensus the Council directed the Parks and Recreation Commission to explore uses for Trancas Field, and directed staff to: 1) develop a plan for a community discussion about the best use of Trancas Field that includes the Parks and Recreation Commission holding hearings and making recommendations and placing an item on a future Council agenda for consideration; 2) place an item on a future agenda to establish a blue ribbon committee to make recommendations on amenities and design for a world class skate/bike park in the City; and 3) develop a fundraising plan and timeline to match the \$1 million donation from the Strange family and place an item on a future Council agenda for consideration. Carl Randall discussed using Wormhoudt for skate park design.

ADJOURNMENT

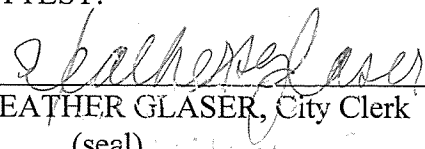
At 9:32 p.m., Mayor La Monte adjourned the meeting.

Approved and adopted by the City Council of the
City of Malibu on October 10, 2016.



LOU LA MONTE, Mayor

ATTEST:



HEATHER GLASER, City Clerk
(seal)